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A New Court Year, A Continued Emphasis on Justice Reform



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On behalf of Chief Justice Rabner and me, it is with great pleasure that I greet the Judiciary's judges and staff and the public as we begin the traditional opening of the court year.

While summer is traditionally time to relax and recharge, the New Jersey Judiciary this summer began the long process of changing the procedure judges use to set bail and how quickly a criminal defendant is tried.

By Jan. 1, 2017, the state will shift from a system that relies principally on setting monetary bail as a condition of release to a risk-based system that is more objective, and thus fairer to defendants because it is unrelated to their ability to pay monetary bail.

A risk-based system promotes the safety of the community, and also considers whether the defendant will appear for future court appearances and whether the defendant is likely to obstruct the criminal justice process.

A risk-based system also promotes the basic liberty interests of defendants since it will result in a significant reduction in the pretrial detainee population.

The federal courts and several other states are using this model with success. The statute also sets deadlines for the timely filing of an indictment and the disposition of criminal charges for incarcerated defendants.

This massive effort will in some way involve every judge and every Judiciary employee.

This column is designed to make you aware of why this issue is of such paramount importance to the Judiciary and society. For information on how we got to this point and the implementation steps we are taking, see below.

How did we get here?

The move to reform the state's bail system grew from the work of the Joint Committee on Criminal Justice, a special committee of the Supreme Court established by Chief Justice Rabner to examine the issues of bail and speedy trial reform.

The committee included the attorney general, public defender, judges and representatives of the executive and legislative branches, county prosecutors, defense counsel, court administration and the American Civil Liberties Union.

Members drafted a series of recommendations that were incorporated into landmark legislation.

In addition, voters in November 2014 approved a constitutional change that becomes effective in January 2017 to permit judges to keep high-risk defendants detained without bail.

What is the Judiciary doing to make criminal justice reform a reality?

We are engaged in work on several fronts so that bail reform is fully implemented by January 2017. Pilot programs are scheduled to begin next summer in the Camden, Morris/Sussex and Passaic vicinages.

Our work includes developing and finalizing a risk-assessment tool and creating a pretrial services function, preparing proposed rule revisions and having information technology staff work on implementing technological changes to enable bail and speedy trial reform to proceed efficiently and smoothly.

Automation represents a significant change in the way we will be processing the pre-trial release decision in criminal cases.

A comprehensive outreach plan to inform and advise staff, judges, criminal justice partners such as prosecutors, public defenders, wardens and sheriffs and the public also is being developed.

This message is the first in a series of planned outreach efforts that will include additional broadcast messages, trainings, webinars, short videos, fact sheets and other communication tools.

I will be updating you periodically as bail and speedy trial reform progress. While these reforms represent a dramatic transformation in how our criminal justice system will operate,

I am confident that our dedicated judges and staff, working together as they do on so many other initiatives, will make bail and speedy trial reform a reality.